United States Court of Appeals

for the Second Circuit

BRIEF FOR APPELLANT

76-7302

UNITED STATES COURT OF APPEALS

FOR THE SECOND CIRCUIT

DOCKET NO. 76-7302

B

P/S

IRENE PANTCHENKO,

PLAINTIFF-APPELLANT

V.

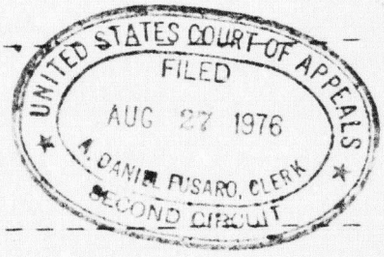
C.B. DOLGE COMPANY, INC.,

DEFENDANT-APPELLEE

APPEAL FROM THE GRANTING OF

SUMMARY JUDGMENT IN THE

DISTRICT COURT OF CONNECTICUT



BRIEF FOR APPELLANT

IRENE PANTCHENKO
BIG PINES ROAD
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PRO SE, APPELLANT

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13. Tipler v. E.I. Dupont de Nemours and Co., 443 F. 2d 125 (6th Cir. 1971).

II. PRIOR PROCEEDINGS LEADING TO THE INSTANT APPEAL

Plaintiff-Appellant filed an action against Defendant-Appellee for retaliation under Title VII (42 USC § 2000 e-3) on the grounds that Plaintiff-Appellant had been denied a written reference by Defendant-Appellee because she had filed a discrimination charge previously against the Defendant-Appellee.

At the time of filing the above action, Plaintiff-Appellant was no longer employed by Defendant-Appellee and in said action one of the Plaintiff-Appellant's claims for relief was that the Court order Defendant-Appellee to provide her a suitable written reference.

Subsequently, counsel for Defendant-Appellee filed a motion for summary judgment on the above action contending that the Court had no legal basis for ordering the Defendant-Appellee to give Plaintiff-Appellant a written reference. Counsel also argued that Plaintiff-Appellant had no jurisdictional standing to bring this retaliation action since she was no longer an employee at the time the action was filed.

Present counsel for Plaintiff-Appellant filed a reply brief rebutting those contentions.

On June 11, 1976, Judge Newman of the U.S. District Court of Connecticut granted Defendant-Appellee's motion for summary judgment dismissing the action wherefrom Plaintiff-Appellant is now appealing to this Court.

FACTS

Appellant worked for Appellee as a chemist for approximately six years until January, 1971, when Appellant was forced out of Appellee's employ by harrassment and sex discrimination both as to her person and the fact that she was receiving a lower salary than the male chemists. Appellant was the only female chemist.

Subsequently, after January, 1971, Appellant filed sex discrimination charges with the Equal Employment Opportunities Commission, (Appendix Complaint Page 2, No. 5) which case is now pending before the District Court as No. 15,581, which action was consolidated with the case under the instant appeal.

The Appellee has admitted the Appellant was a good worker (Appendix, Answer, Page 2, No. 6) yet has consistently refused to provide the Appellant with a reference.

Appellant could not find a chemist position without a reference and on or about November 9, 1973, filed an action for discriminatory retaliation (Appendix, Complaint, Page 2, No. 10) on the grounds that she was being retaliated against because she had previously filed a Complaint with EEOC.

After pursuing her administrative remedies, the action which is the subject of the instant appeal was filed to compel Appellee to

produce a reference and to seek damages Appellant suffered by being denied work since she could not find a job without a reference.

III. ISSUES.

A. SINCE THE PLAINTIFF-APPELLANT WAS NO LONGER EMPLOYED BY THE DEFENDANT-APPELLEE WHEN SHE FILED HER RETALIATION ACTION UNDER 42 U.S.C. §§ 2000 e-3, DOES SHE LACK JURISDICTIONAL STANDING TO FILE THIS CLAIM UNDER THE LANGUAGE OF THE STATUTE? NO.

B. UNDER TITLE VII, IS THERE A CAUSE OF ACTION WHEN AN EMPLOYER REFUSES TO PROVIDE AN EMPLOYEE WITH A REFERENCE? YES.

IV. DISCUSSIONS OF ISSUES.

A. SINCE THE PLAINTIFF-APPELLANT WAS NO LONGER EMPLOYED BY THE DEFENDANT-APPELLEE WHEN SHE FILED HER RETALIATION ACTION UNDER 42 U.S.C. § 2000 e-3, DOES SHE LACK JURISDICTIONAL STANDING TO FILE THIS CLAIM UNDER THE LANGUAGE OF THE STATUTE?

Appellant filed this action for retaliation on June 28, 1974, based upon 42 U.S.C. §§ 2000 e-3. The jurisdiction of the District Court to order the remedy of a written reference was invoked under 42 U.S.C. §§ 2000 e-5.

The thrust of 42 U.S.C. s 2000 e-3 is to prohibit employer discrimination against "employees" and that term is defined in §§ 2000 e(f) as "an individual employed by an employer." At the time of the retaliation which is the substance of this suit, the Appellant was no longer employed by the Appellee.

Appellee in its brief in support of its motion for summary judgment below, and the District Court of Connecticut in its decision granting Appellee's motion both rely upon one case, Dubnick v. Firestone Tire & Rubber Co., 355 F. Supp. 138, 141 (E.D.N.Y. 1973), for the proposition that since the Appellant was no longer employed by Appellee at time of filing, she had no standing to bring the action under 42 U.S.C.§§ 2000 e-3.

Appellant submits that that interpretation of the case and then applying it to the instant issue is erroneous.

Dubnick deals with a venue situation. In that case the employee had been discharged by a California employer, and subsequently became a resident of New York, looked for work in New York, and then filed a retaliation action against the employer in New York because of unfavorable written references to prospective New York employers which came about, according to the ex-employee, because of his filing discrimination charges in California against his employer.

The Court held that the action was improperly commenced in New York and ordered it transferred to California. The case does not hold that a former employee cannot bring an action under 42 U.S.C. §§ 2000 e-3.

The Dubnick Court was dealing strictly with the question of venue. The Court stated, at page 141:

> "His affidavit assertions of post-employment misconduct by Firestone, if proven, may possibly be relevant to the issue of damages arising from delay in procuring new employment should Plaintiff succeed in his statutory claim; they are not additional causes of action under the Act which creates venue in this district."

The Court ordered the action transferred back to California, the site of proper venue, because the Court felt that the post-employment actions of the former employer in not providing a favorable reference did not provide a continuing unlawful practice allowing the Plaintiff to commence suit in New York. The Court held that any and all unlawful and discriminatory acts occurred in California and therefore the motion to dismiss by the Defendant was granted to the extent of transferring the

action (Dubnick, page 138). The Court did nothing more than that.

Appellant emphatically states that the Dubnick Court did not hold that a former employee could not bring a retaliation action against a former employer.

Appellant also points out that the Dubnick Plaintiff was a former employee bringing an action after leaving the place of employ. The Dubnick Defendant did not even raise the issue that a former employee did not have standing to bring this action. The Defendant's only claim in this Dubnick case was a motion to dismiss for improper venue. Therefore Appellant maintains that it is improper to use the Dubnick case to stand for the proposition that if a former employee files a retaliation action, the claim must fail because the Plaintiff has no standing under the statute. The Dubnick Court did not have that issue before it.

If Dubnick cannot stand with the instant issue, what authority can? In her brief below, Appellant cited Tipler v. E.I. Dupont de Nemours and Co., 443 F. 2d 125 (6 Cir. 1971) where the Sixth Court considered and seemed to reject the contention that only employees have standing to sue under Title VII of the Civil Rights Act of 1964. In addition, many, many cases were being brought under Title VII by former employees against former employers, Bradington v. International Business Machines Corp., 360 F. Suppl. 845, (1973). Even in Dubnick, the Plaintiff was an ex-employee. Yet there had been no cases which confronted the

precise issue which we are facing here. Appellant could not find any cases affecting this instant issue at the time of filing her brief below.

At this time, however, there is a case which meets head on the precise issue which Appellant brings before this Court. The case came down at precisely the same time that Appellant was filing her brief below, and unfortunately, was not discovered in time to be included in arguments below.

The decision is Rutherford v. American Bank of Commerce, United States District Court, District of New Mexico. Civil Action No. 75-453 M, March 19, 1976; cited in CCH, Employment Practices Decisions as 11 EPD section 10,829, page 7484 April, 1976. This decision is directly on point with this issue.

The facts of Rutherford are that Plaintiff, a female, was a six-year employee of American Bank of Commerce who was working as a loan officer trainee when she resigned in a dispute over her job duties. Upon her exit, Ms. Rutherford was given a letter of recommendation in which her supervisor described her as a model employee. From August of 1971 to March of 1972, she was unable to find another job in the banking field. She began to suspect she was being blacklisted.

After three months, in October of 1971, she filed an EEOC charge of retaliation. She then called her supervisor and asked for a second, updated letter of recommendation. He agreed, but said he would have to mention in the letter that she had filed EEOC charges against the bank.

Ms. Rutherford refused those terms, her ex-employer refused the second letter and her jobhunt continued to be unsuccessful.

From the above facts it can be seen that Ms. Rutherford was no longer employed when she filed the retaliation claim. In Rutherford the Defendant bank asserted that Plaintiff should be denied relief because a claim for retaliation under 42 U.S.C. §s 2000 e-3(a), Title VII of the Civil Rights Act does not lie against a former employer.

The Rutherford Court found this matter to be one of first impression, "no cases having been found on this specific issue." 'Rutherford," EPD Section 10,829, page 7486.

The Court then discusses Dubnick and finds that case irrelevant to the issue at hand.

The Court finds Tipler, supra, relevant, although not dispositive, since the Tipler Court was not faced with Appellant's identical problem because the charges in that case included retaliatory discharge.

None of the cases cited in the Court's initial discussion deal with 42 U.S.C. §s 2000 e-3(a), so the Rutherford Court then turns to a discussion of the purpose, language, and history of Title VII and its statutory provisions.

The Court finds Title VII to be a remedial statute, designed to eradicate unlawful employment practices and to make whole the victims of such practices. Albemarle Paper Company v. Moody [9 EPD section 10,230]

422 U.S. 405, 95 S. Ct. 2362, 45 L. Ed. 2d (1975). In view of this remedial character, the courts have rejected strict technical construction, Love v. Pullman, [4 EPD section 7623] 404 U.S. 522, 92 S. Ct. 616, 30 L. Ed. 2d 679 (1972), and construe Title VII in a manner which will effectuate its clear purposes. Tipler v. E.I. Dupont de NeMours and Co., supra.

The Court goes on to discuss the importance of individual employees in the enforcement of Title VII and the policy in favor of protecting their free exercise of the remedies provided by Title VII. Rutherford, supra, page 7487.

The Court further goes on to emphasize that the language of other provisions of Title VII, besides 42 U.S.C. §§ 2000 e-3, is designed to cover as broad a range of people and practices as possible. Rutherford, supra, pages 7487-7488. It has been held that in using the language "a person claiming to be aggrieved," Congress intended to define standing to sue under Title VII as broadly as is permitted by Article III of the Constitution. Hackett v. McGuire Brothers, Inc., [3 EPD Section 8276] 445 F. 2d 442 (3rd Cir. 1971). The Rutherford Court then states, at page 7488:

> "It is difficult to conceive of a policy which would justify allowing a broad range of people to file charges and sue under the statute, and protect only some of those who exercise these rights."

The Court further goes on to discuss the legislative history regarding the definition of "employer" and"employee" and concludes, infra, at page 7488:

"The legislative history, while not conclusive, suggests that Congress believed 42 U.S.C. §s 2000 e-3 (a) should be broad enough to protect all those who filed charges with EEOC or otherwise participated in its proceedings, and further believed that the section was in fact so broad."

The Rutherford Court then looks to the National Labor Relations Act and finds that the NLRA definition of employee specifically includes "any individual whose work has ceased as a consequence of. . . any unfair labor practice. . ." and the Court concludes, infra, at page 7488:

"In view of the legislative history and the manner in which Congress and the Courts have addressed this problem by protecting those who exercise their statutory rights in the field of employer-employee relations the conclusion is inescapable that §s 704 (a) 42 U.S.C. §s 2000 e-3 (a) must be equally available to those whose employment has been terminated." (emphasis is appellants)

The Rutherford Court finds that the facts in its case demonstrate the necessity for rejecting the Defendant's contention that former employees cannot sue for retaliation. Ms. Rutherford worked for six years for the Defendant and as a practical matter she would need a reference in her field to get a new job. Employers like American Bank routinely write recommendations all the time. The Court goes on to say, supra, page 7489:

"ABC's opportunity to engage in this form of retaliation [withholding a reference] arises entirely from the fact that Rutherford was, and no longer is, its employee; its motive for injury arises from her exercise of her rights and remedies under Title VII. If Rutherford had continued to work for Defendant while seeking new employment, she would clearly have

> a cause of action against ABC under 42 U.S.C. §s 2000 e-3 (a) (1) upon these facts. Moreover, the protection of that section has been interpreted by the Commission not to depend upon the actual existence of the unlawful employment practice so long as the individual acted on the good faith belief that she was opposing an unlawful practice. EEOC Decision No. 71-2374 (1971) CCH EEOC Decisions, 1973 section 6260; EEOC Decision No. 71-1545 (1971), CCH EEOC Decisions, 1973, section 6261. There is no apparent policy of Title VII which would be advanced by a construction of the statute as is urged by the Defendant or the anomalous results flowing therefrom. Accordingly, it is held that the word "employee" as used in 42 U.S.C. §s 2000 e-3(a) includes all employees of an employer without regard to whether a direct employment relationship still existed at the time of the alleged retaliatory act, at least where, as here, the opportunity and method of the retaliation is uniquely available to the employer because a direct employment relationship formerly existed." (emphasis is appellants)

Appellant will now apply the foregoing discussion of Rutherford to the instant case. Appellant was employed as a chemist by the Appellee for six years when she was forced to leave the employ of Appellee over a dispute. In a highly mobile and professional field such as Appellant is in, there is no way she could get a job without a reference from her last employer.

In Paragraph 7 of Appellant's Complaint, affixed to the Appendix, she alleges she was a chemist and an excellent worker. Although Appellee denies that Appellant worked as a chemist, Appellee does admit in its answer that Appellant was an excellent worker. If that is so, then the only reason to deny the Plaintiff a written reference had to be in retaliation for the discrimination charges Appellant filed with EEOC.

Using the language of Rutherford, Appellee, as a former employer, had the unique opportunity available to it to retaliate by not giving a reference. Appellant has been helpless without this reference to get a job in her chosen field as a chemist and to this day she cannot get a job as a chemist without the reference. The Rutherford Court would not allow Appellee to stand in its claim that a former employee has no standing to sue, and Appellant prays that this Court react the same way to her plight which is astonishingly similar to that of Ms. Rutherford's.

Appellant submits that as of this date Rutherford is the only case in point on the instant issue and prays this Court reverse the decision of the District Court of Connecticut on this issue.

B. UNDER TITLE VII, IS THERE A CAUSE OF ACTION WHEN AN EMPLOYER REFUSES TO PROVIDE AN EMPLOYEE WITH A REFERENCE?

This issue is the second and final issue of this appeal and comes about because the District Court of Connecticut determined that since 42 U.S.C. §§ 2000 e-2(a)(1) contains no explicit provision making it unlawful for an employer to refuse to provide a reference to a person for future employment, then the Court would read no cause of action for this harm into Title VII.

Appellant submits that this is an overly narrow interpretation of §§ 2000 e-2(a) and at odds with the intent and purpose of the enactment of Title VII. Appellant also submits that she will again rely on the reasoning propounded in the Rutherford case on this issue, but that ultimately this issue may emerge as one of first impression in this or any Court.

Section 703(a)(1) of Title VII, 42 U.S.C. §§ 2000 e-2 (a)(1) provides that it shall be an unlawful employment practice for an employer "to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment. . ." (emphasis is appellant's)

Before returning to the Rutherford case, there are decisions in other cases that determine the construction to be applied to §§ 2000 e-2 (a)(1).

The Courts have uniformly stated that §s 2000 e-2(a) should be accorded a liberal interpretation in order to effectuate the purpose of Congress. Rogers v. Equal Employment Opportunity Commission, C.A. Tex. 1971, 454 F. 2d 234, cert. denied 92 S. Ct. 2058, 406 U.S. 957, 32 L. Ed. 2d. 343. Culpepper v. Reynolds Metals Co., C.A. Ga. 1970, 421 F. 2d 888. Equal Employment Opportunity Commission v. Eagele Iron Works, D.C. Iowa 1973, 367 F. Supp. 817.

In the Rogers case, supra, page 238, the Court expands upon the reasoning behind the purposes of Congress in enacting §s 2000 e-2 (a)(1):

> "This language [of §s 2000 e-2(a)(1)] evinces a Congressional intention to define discrimination in the broadest possible terms. Congress chose neither to enumerate specific discriminatory practices, nor to elucidate in extenso the parameter of such nefarious activities. Rather, it pursued the path of wisdom by being unconstrictive, knowing that constant change is the order of our day and that the seemingly reasonable practices of the present can easily become the injustices of tomorrow. Time was when employment discrimination tended to be viewed as a series of isolated and distinguishable events. . .But today employment discrimination is a far more complex and pervasive phenomenon, as the nuances and subtleties of discriminatory employment practices are no longer confined to bread and butter issues."

It is clear then that it was the intent of Congress to leave the question of what constitutes an unlawful employment practice wide open to deal with any type of employment discrimination that might arise. When the District Court of Connecticut states that there should be an explicit statutory cause of action for the type of harm complained of under Title VII, Appellant submits that such reasoning goes against decision law and

the intent of Congress as applied to the purpose behind the enactment of Title VII. It is now time to return to the Rutherford decision.

The facts of Rutherford,supra, have been set forth in the first issue of Appellant's brief. In that first issue, Rutherford stood for the proposition that former employees are entitled to bring retaliation actions under ss 2000 e-3(a).

In the instant issue, Rutherford is the key decision on two points. The first was raised by Appellee in its motion for summary judgment below, although the District Court did not address itself to the question in its ruling. Appellee claimed below in its brief that withholding a reference is not a retaliatory act under ss 2000 e-3. The Rutherford Court found withholding a reference in their case to be retaliation and that was a decision of first impression on that point. The Court found that ABC had been more than satisfied with Ms. Rutherford. Thus the Court found that withholding the letter of reference was due to her EEOC complaints and that ABC's actions were tantamount to blacklisting the Plaintiff.

In the instant case, as stated in the first issue herein, Appellant is in exactly the same position as Ms. Rutherford. Appellant worked for Appellee for six years, Appellee admits she was a good worker, yet Appellee refuses to provide a reference letter and does not dispute that fact. Like Rutherford, Appellant cannot get a position in her chosen field without a reference. This is tantamount to Appellant being blacklisted. There

can be no doubt that under Rutherford Appellee's refusal to give a letter of recommendation to Appellant is retaliation for the filing of discrimination claims.

The second point is all-important and may well be the issue of first impression for this Court to decide.

As stated herein, the District Court of Connecticut took an extremely narrow view of what constitutes discrimination under §§ 2000 e-2(a)(1) and Appellant has shown that such a view runs afoul of the purposes of Title VII. The key issue on this appeal is can withholding a reference be an unlawful employment practice under §§ 2000 e-2(a)(1).

Part of §§ 2000 e-2(a)(1) states, "It shall be an unlawful employment practice for an employer--(1) to . . . discriminate against any individual with respect to . . . privileges of employment. . ." Appellant submits that the withholding of a reference is discrimination of a privilege of employment.

A perusal of the legislative history of Title VII shows that the definition of "privileges of employment" is not expanded upon, in keeping with the theory propounded by the Court in Rogers, supra, that Congress chose not to delineate specific discriminations. It is for the courts to decide what may constitue a privilege of employment.

Rutherford is the only case that Appellant could find which places the withholding of a letter of reference as a "privilege of employment." By the same token, Appellant could find no cases which hold that a letter

of reference is not a privilege of employment.

The Rutherford Court stated, at page 7488:

> "Rutherford worked for ABC for six years. As a practical matter, she has little alternative but to refer prospective employers to ABC for an evaluation of her skills and capability. Employers in the position of ABC routinely write letters of reference for employees. Indeed, the practice is so common that such a letter might well be a "privilege of employment," as that phrase is used in 42 U.S.C. §§ 2000 (a)(1). (emphasis is appellant's).

Appellant worked six years for Appellee. It is admitted that she was a fine worker. Appellee is an employer of approximately 100 persons in various levels, trades, and professions. Appellant worked as a chemist for Appellee although Appellee claims she was a chemical technician. (The question of whether the Appellant was a chemist or a technician is one which is a question of fact and cannot be dealt with in an appeal on a motion for summary judgment.)

It is submitted by Appellant that by refusing her a written reference Appellee had effectively foreclosed any chance of Appellant's obtaining employment in her field. Appellant also submits that Appellee was large enough and in the type of business and professional environment where there was a usual practice of submitting recommendations for employees who were moving elsewhere and also that Appellee would in turn require references for those who sought employ with Appellee; that it was the usual course of practice for employers such as Appellee to give and in turn to require references. It is submitted that an employee who

works for an employer in any capacity, but especially in the capacity that Appellant was employed by Appellee, expects a reference when seeking other employment. It is submitted that the writing of a letter of reference is a common practice among employers and as such may properly be viewed as a privilege of employment protected from denial for discriminatory reasons. That is the thrust of Rutherford, and Appellant urges this Court adopt that view.

Appellant has stated that this issue might be one of first impression. The reason for that is the way in which the Rutherford Court worded the following, at page 7488:

> "Indeed, the practice is so common that such a letter might well be a 'privilege of employment' . . ."

The Rutherford Court uses the words "might well" rather than than those of more final import. Appellant urges this Court go one step further and finalize the words of Rutherford by making it a definite unlawful employment practice to withhold a reference where, as here in Appellant's case, the facts cry out for this type of relief for the Appellant. Appellant cannot obtain employment in her field without a reference. This type of wedge which Appellee holds, that of withholding a reference, is extraordinarily powerful. It is insidious that by merely withholding a piece of paper, an employer can cause a person never to be able to find work at a certain position again. If there is no remedy for someone in the position of the Appellant under Title VII, then there is no purpose in Title VII.

This Court has a unique opportunity to right a grave injustice. Appellant's belief is that the Rutherford Court used the words "might well" because our precise issue under §§ 2000 e-2(a)(1) was not directly before that Court. If it had been, however, the Rutherford Court leaves no doubt what its answer would be--that a letter of reference is a "privilege of employment."

The issue is before this Court. In the interest of justice and to effectuate the intents and purposes behind the Congressional enactment of Title VII and the Civil Rights Law of 1964, Appellant prays the Court rule that a letter of reference is a privilege of employment under §§ 2000 e-2(a)(1) giving Appellant a statutory cause of action for discrimination.

As for the remedy which Appellant seeks, that of the Court ordering Appellee to give her a reference, there is authority for this in the remedial provisions of Title VII, §§ 2000 e-5(g). Although such a remedy is not enumerated, all the Court decisions give very broad remedial powers under §§ 2000 e-5(g). Bowe v. Colgate Palmolive Co., C.A. Ind. 1969, 416 F. 2d 711. Alexander v. Gardner-Denver Co., Colo. 1974, 94 S. Ct. 1011, 415 US 36, 39 L. Ed. 2d 147. Humphrey v. Southwestern Portland Cement Co., D.C. Tex. 1973, 369 F. Supp. 832.

In addition, appellant claims that the withholding of a reference from her is sex discrimination under §§ 2000 e-2(a)(i) in that the male employees at the Appellee's plant were given written references when their employment terminated and the withholding of a reference was also

retaliation for the Appellant's filing sex discrimination claims against an employee for sexually molesting her as well as for her filing a sex discrimination case based upon her unequal salary as compared to the men which is case No. 15581 and which case was consolidated with the case under this instant appeal.

V. SUMMARY.

1. Even though Appellant was no longer in the employ of Appellee when she filed her retaliation action, she still had standing to bring a cause of action under 42 U.S.C. §§ 2000 e-3 because that statute applies to former employees where, as in this matter, the opportunity and method of the retaliation is uniquely available to the employer because a direct employment relationship formerly existed.

2. When an employer withholds a letter of reference from or on behalf of an employee or former employee, it is an unlawful employment practice under 42 U.S.C. §§ 2000 e-2(a)(1) in that the employer is discriminating against that person with respect to a privilege of employment. There must be a cause of action for such immediate and virulent discrimination since withholding a reference can keep a person in the position of the Appellant from ever working in her chosen field again. The withholding of a reference is too powerful a blacklisting tool to be left entirely within the discretion of the employer, and since the practice of written references is so common in industry, it should be viewed as a privilege of employment and as such come under the protective arm of Title VII.

THE PLAINTIFF
IRENE PANTCHENKO

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CERTIFICATION OF SERVICE

This is to certify that a copy of the foregoing has been mailed postage prepaid, to James J. Maher, Esq., 855 Main Street, Bridgeport, Connecticut 06604; Robert L. Julianelle, Esq., P.O. Box 5006, Westport, Connecticut 06880; Mrs. Irene Pantchenko, Big Pines Road, Westport, Connecticut 06880.

Attorney